

Message Text

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ACTION DLOS-04

INFO OCT-01 NEA-10 IO-13 ISO-00 AF-08 ARA-06 EA-07 EUR-12

FEA-01 ACDA-07 AGR-05 AID-05 CEA-01 CEQ-01 CG-00

CIAE-00 CIEP-01 COME-00 DODE-00 DOTE-00 EB-07 EPA-01

ERDA-05 FMC-01 TRSE-00 H-02 INR-07 INT-05 JUSE-00

L-03 NSAE-00 NSC-05 NSF-01 OES-06 OMB-01 PA-01 PM-04

PRS-01 SP-02 SS-15 USIA-06 SAL-01 /156 W

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R 221820Z APR 76

FM USMISSION USUN NY

TO SECSTATE WASHDC 7034

INFO AMEMBASSY CAIRO

AMEMBASSY TELAVIV

AMEMBASSY JIDDA

C O N F I D E N T I A L USUN 1695

FROM LOSDEL

E.O. 11652: GDS

TAGS: PLOS

SUBJ: LOS: EGYPT, STRAITS

USUN 1600 (NOTAL)

1. IN INFORMAL CONVERSATION, DR. SHEHAB (DE FACTO HEAD OF EGYPTIAN LOSDEL) SAID THAT FROM HIS POINT OF VIEW THE "LATEST USG POSITION" WHICH WOULD MAKE DISTINCTION BETWEEN STRAITS CONNECTING HIGH SEAS TO HIGH SEAS AND THOSE CONNECTING HIGH SEAS TO TERRITORIAL SEA OF FOREIGN STATE WAS ACCEPTABLE. HE SAID THIS WAS "ALSO THE POINT OF VIEW OF MY GOVERNMENT". DR. SHEHAB WAS APPARENTLY NOT CLEAR THAT THIS WAS NOT ONLY US POSITION EXPLAINED TO EGYPTIAN DEL IN GENEVA, BUT WAS ALSO IN FACT EMBODIED IN EXISTING
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SNT PART II IN THAT ARTICLE 44(1)(B) WAS SPECIFICALLY

DESIGNED TO EXCEPT TIRAN FROM FREE TRANSIT REGIME. FREE TRANSIT WOULD APPLY IN STRAITS CONNECTING TWO PARTS OF HIGH SEAS.

2. IN PREVIOUS CONVERSATION SHEHAB HAD SAID THAT REGIME OF FREE TRANSIT IN STRAITS CONNECTING HIGH SEAS TO HIGH SEAS WAS ACCEPTABLE BUT THAT ARTICLE 44 (1)(B) WAS NOT. IT IS NOT CLEAR WHETHER GOE IS NOW PREPARED TO ACCEPT 44(1) (B), I.E. NON-SUSPENDABLE INNOCENT PASSAGE IN TIRAN.

3. AS NOTED REFTTEL USDEL INTENDS TO HOLD DISCUSSION WITH EGYPTIANS ON STRAITS IN NEXT FEW DAYS. WE WOULD APPRECIATE EMBASSY'S VIEWS AS TO WHETHER OR NOT FON OFF UNDERSTANDS THAT EXISTING SNT PROVIDES FOR REGIME OF FREE TRANSIT IN STRAITS CONNECTING TWO PARTS OF HIGH SEAS BUT THAT NON-SUSPENDABLE INNOCENT PASSAGE WOULD APPLY IN STRAITS (E.G. TIRAN) CONNECTING HIGH SEAS TO TERRITORIAL SEA FOR FOREIGN STATE AS PROVIDED IN 44(1) (B) OF SNT PART II. IS IT LIKELY 44(1) (B) IS ACCEPTABLE TO GOE?

4. OBVIOUSLY ACCEPTANCE BY EGYPT OF EXISTING SNT ON STRAITS WOULD BE VERY HELPFUL IN GAINING FURTHER SUPPORT IN ARAB GROUP ON STRAITS CONNECTING TWO PARTS OF HIGH SEAS, AS GROUP IS STILL DIVIDED ON ISSUE OF FREE TRANSIT VS INNOCENT PASSAGE; IF THIS SUPPORT EXTENDED TO 44(1) (B), RISK OF DRAGGING MIDDLE EAST PROBLEM INTO NEGOTIATIONS WOULD BE STRONGLY REDUCED. FYI SAUDIS ARE WORKING WITHIN ARAB GROPU TO STRESS IMPORTANCE OF FREE TRANSIT FOR EXPORTING COUNTRIES.

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Margaret P. Grafeld
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